

Technical Standards (under O. Regulation 419/05)

Ontario Regulation 419/05: Air Pollution – Local Air Quality (O. Reg. 419/05) came into effect on November 30, 2005. The regulation is the main tool used by the Ontario Ministry of the Environment (MOE) to protect local air quality by regulating industrial emissions of specific contaminants.

Regulation 419/05 marks the biggest improvement in regulating air toxics in Ontario in over 30 years. It introduced new and updated air standards and set out new requirements for compliance assessments and the use of air dispersion models.

What you need to know:

MOE sets air standards to regulate emissions from industry and protect local air quality. Provincial air standards are developed on the basis of health and environmental effects (not on availability of control technology or cost to comply). However, technology and costs may be barriers to meeting a standard: these factors are also considered in the regulation.

Emission Summary and Dispersion Modelling (ESDM) reports are the primary tool used to assess compliance under O. Reg. 419/05. This report compiles all air emissions from a facility and assesses their impact on the environment against MOE air standards/guidelines using air dispersion models or a combination of dispersion models and air monitoring data.

New /updated air standards and the use of advanced air dispersion models are phased in to provide time for facilities to prepare to meet them.

Technical Standards

O. Reg. 419/05 allows an industry sector to request MOE to develop a technical standard. Under O. Reg. 419/05, the Minister has the authority to establish two types of Technical Standards: an Industry Standard (based on an industry sector), and an Equipment Standard (for sources or emissions from multiple sectors).

A technical standard would replace the current compliance requirements in the regulation with other technical and operational requirements. If the technical standards available address all sources of that contaminant from a facility, then the registered facility is exempt from the air contaminant standard – and instead must abide by the requirements of the technical standard. If not, then only certain sources may be excluded from the ESDM report. A facility can also choose which contaminants it registers for.

A technical standard includes requirements relating to technology used at the facility, operation of the facility, the monitoring and reporting of information and any other related matter. The Technical Standards publication specifies the classes of facilities and the

contaminants the technical standard applies to and the steps and time periods for compliance. Although industries participating in the technical standards will not meet certain standards in O. Reg. 419/05, they are still expected to make continual improvements to reduce air emissions to the extent technology makes it possible.

In the development of a technical standard, MOE assesses all sources of a contaminant related to a North American Industry Classification System (NAICS) code, and makes a decision as to whether or not that source needs to be better controlled, monitored or managed. Development of a technical standard includes a better understanding of sources of the contaminant for that sector, benchmarking technology to address the sources of a contaminant, and consideration of economic issues. Specific requirements are included in the technical standard for those major sources that are determined to need better management or control. Timeframes are specified for implementation of the requirements.

Industry Standards and Equipment Standards are published in the document “Technical Standards to Manage Air Pollution”. The Technical Standards Publication (PIBS #7306e) may be updated from time to time, based upon public consultation consistent with the Ontario Environmental Bill of Rights legislation.

As of 2010, the existing technical standards are:

Foundries - Industry Standard (NAICS Code 3315 (not secondary lead smelters), and the following contaminants: suspended particulate matter (including many specified metal contaminants), volatile organic compounds (including many specified contaminants), and sulphur dioxide); and

Forest Products - Industry Standard (NAICS Codes 3211, 3212, 3221 (excepting 321114 and 321211), and the contaminant acrolein)

Application for a Technical Standard:

Facilities may submit an application to register to a technical standard for certain contaminants if an applicable technical standard exists for their sector and emission sources. Generally, complying with a technical standard is an alternative to complying with air standards and development of ESDM reports for contaminants that the technical standard applies to and the facility is registered for.

All requests for registration are posted on the Environmental Bill of Rights Registry. For more information on Technical Standards and the registration process, please go to the MOE website at:

http://www.ene.gov.on.ca/environment/en/industry/standards/industrial_air_emissions/air_pollution/STDPROD_078055.html.

A list of all registered facilities will also be available on the MOE web site.

Disclaimer

This fact sheet is intended to be a brief summary of some of the requirements of O. Reg. 419/05 related to Sections 38, 39, 42, 43, and 44. Information contained in this fact sheet is for information purposes only. Interested parties must refer to the regulation for a comprehensive understanding of the legal requirements. In the event of a conflict between the regulation and this document, the regulation (as amended) will take precedence.

For further information, please visit the Ministry of the Environment's web site at www.ene.gov.on.ca or contact:

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